

APR 12 2005

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CUSTOMER NO.: 20995

## TERMINAL DISCLAIMER UNDER 37 C.F.R. § 1.321

Applicant	:	Andrew H. Cragg
Appl. No.	:	09/848,556
Filed	:	May 3, 2001
For	:	METHODS OF PERFORMING PROCEDURES IN THE SPINE
Examiner	:	Pedro Philogene
<u>Group Art Unit</u>		: 3732

Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

*Empowerment of Attorney*

Pursuant to 37 C.F.R. § 1.321(b) the undersigned attorney of record is empowered to act on behalf of the Assignee, Trans1, Inc. ("Assignee"), by virtue of a Power of Attorney executed on December 20, 2001, a copy of which is attached.

*Right of Assignee and Ownership*

In accordance with 37 C.F.R. § 3.73(b), Trans1, Inc., Assignee represents that it is the owner of a 100 percent interest in the above-identified application and co-owned U.S. Patent No. 6,558,390 filed as (U.S. Application No. 09/782,583), all by virtue of an assignment recorded at Reel No. 0137991, Frame No. 0143 by the Assignment Branch of the Patent and Trademark Office. The Assignee represents that, to the best of Assignee's knowledge and belief, title is in the Assignee seeking to take action.

*Disclaimer by Assignee*

Assignee hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the above-referenced application that would extend beyond the expiration date of the full statutory term of Patent No. 6,558,390 and hereby agrees that any patent so granted

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on the above-identified application shall be enforceable only for and during such period that the above-identified application and Patent No. 6,558,390 are co-owned. This agreement extends to any patent granted on the above-referenced application and shall be binding on its successors or assigns.

Assignee does not disclaim any terminal part of any patent granted on the above-referenced application prior to the earlier of the expiration date of the full statutory term Patent No. 6,558,390 and that of any patent issuing on the above-identified application in the event that either one later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321(a), has all claims canceled by a reexamination certificate, or is otherwise terminated prior to expiration of its statutory term, except for the separation of legal title stated above.

This Terminal Disclaimer is accompanied by the \$65 fee set forth in 37 C.F.R. § 1.20(d).

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 4/12/05

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